3: Barrett E-5 (1908-1909)1925
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648 Esmeraldas, and especially of the drainage of the Rios Santiago and Cayapas, it is decidedly in the minority; indeed at present there is only one white family living on the course of the Cayapas.

The desirability of the intrusion of another race into a territory occupied by Indians is always doubtful. In this case it is especially so, for some of the negroes at all times take great liberties with their Indian neighbors, not to mention the fact that they openly plunder their crops and houses whenever opportunity offers. These depredations the Cayapa tolerate, rarely taking a hand themselves in the punishment of the offenders, and never committing acts of reprisal. They are a law-abiding people, and recognize completely the authority of the provincial government over all in-
627 habitants except themselves. Any such acts, if they were to occur among themselves, would be severely punished in their own way and without governmental aid. Be it said to the credit of the provincial authorities, that they recognize the right of the Cayapa to govern themselves and to punish their own offenders, and further that they attempt to protect the Indians from impositions by others. However, it frequently happens that the guilty ones either escape or, if apprehended, are inadequately punished.

628 As above mentioned, all ordinary depredations, such
674 as theft by outsiders, are tolerated by the Cayapa without personally attempting to punish the offenders. There is one crime, however, which demands a severe penalty, namely, outrages against women. The standard of

3: Barrett E-5 (1908-1909)1925
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upon the table; the rest was divided into small bits, and, after an invocation by the warden of the church, the men and boys, all seated on low benches about the table, proceeded to feast. The women meanwhile partook of a portion of the food that had been sent to the next room to them. Having finished the meal, a benediction was pronounced by the warden and the floor was cleared of all scraps of food and the leaves forming the table.

Immediately fresh leaves were spread as at first, and the boda, the word being here used in its more restricted sense, was served. While an ofrenda has a very elaborate assortment of foods, a boda has only fish, oysters, or meats cooked in ripe plantain in the form of a thick gruel. This is served always in the aboriginal pottery plates of the kind shown in pl. LXXXVII, 4, although for everyday use dishes of European manufacture have almost entirely supplanted the pottery plates formerly used. In this particular case the boda consisted of a single course of plantain and fish, but sometimes other courses are served in order. The feast having been finished, the majority of the people went to their respective abodes in the village or to the house of the chief.

At such gatherings offenders against the law are usually brought before the chief, by whom justice is dispensed and differences between individuals adjudicated. On this particular occasion several matters of this nature demanded the chief's attention. The details of these will show something of the methods of dispensing justice among the Cayapa.

Immediately after the boda on this first day the chief sent some officers to bring before him certain offenders

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against the law. The offenders were, in this case, a man and a woman. The man had deserted his wife and child after abusing them for a considerable time and had assumed relations with a young widow. He had therefore been guilty not only of infidelity and abuse, but also of violating the immutable law forbidding divorce. The woman's crime was somewhat less grave. Being a widow, she had a right to remarry, but she had no claim to the husband of another woman. In justice to the Cayapa as a tribe it should here be remarked, as has been elsewhere pointed out, that cases of infidelity, wife-desertion, and abuse are extremely rare. Almost without exception the family relations are held sacred by both men and women, and in general the relations existing between the sexes are governed by stringent laws which are regarded faithfully. In this instance both the offenders were brought to the house of the chief and were placed in the stocks where they remained during the afternoon. The man displayed no sign of emotion, but the woman wailed and chanted the greater part of the time. Both were remonstrated with by friends, and the mother of the woman sat beside her almost constantly, weeping and chanting her plaint at the disgrace that had been brought upon the family by the daughter's misconduct.

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It would appear that the keeping of such offenders for many hours in the stocks is an exemplary measure and is done for the effect which it will have on the community at large. The punishment which they are to receive is often decided on long before its infliction, but they are kept in the stocks as an example to the people at large

3: Barrett E-5 (1908-1909)1925
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627 796 and especially to the younger generation, and their conduct is discussed both privately and publicly throughout the village and its evils are pointed out. Especially is this done by the public utterances of officials, who speak in the large hall in the chief's house where the offenders are incarcerated.

Toward evening the prisoners were released from the stocks and permitted, under guard, to take food, being later returned to the stocks. About nine o'clock a gathering assembled in the room, the man was taken from the stocks, and several of the officials, including the chief, made short speeches concerning the pair and their crime. One of the speakers was a woman, a relative of one of the offenders. At last the sub-chief spoke rapidly and eloquently for about twenty minutes, berating the man for his conduct and his disobedience to the laws of tribal society.

Finally the commission of officers who had been sent in the morning to bring the two for punishment was called forth and its leader gave a ritualistic invocation, after which the offending man was brought forward and made to stand before the stocks with his body inclined slightly forward. The chief then administered fifteen strokes with the cat-o'-nine-tails, the equivalent of seventy-five lashes. The culprit was destined to receive a greater number of strokes, but owing to the chief's infirmity due to a recent gun-shot wound, and to the fact that the culprit proposed to buy partial immunity with rum for the assemblage, he was given his liberty after receiving the punishment noted.

The woman was then brought forward and received

3: Barrett E-5 (1908-1909)1925
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The WOMAN was then brought forward and received ten strokes, or fifty lashes. Her case, however, was different from that of the man, and she was not then set at liberty. By living with the man she signified her desire to marry, hence it was determined that a husband should be found for her. She was therefore placed under a guard of three officers for the night, while the officials set about to find a man who would consent to take her as his wife. She was thus held in custody until January eleventh. Meantime an old man living on the Rio Camarones was found who was willing to marry her. As a matter of fact, her relatives had tried to arrange the same marriage some months before, but as she was unwilling to marry the old man, the priest had refused on his last visit to the village in October, to perform the ceremony. When the boda ended on the afternoon of January tenth the woman was given into the custody of the chief's wife, being held in the chief's house until the following morning, when a commission of three officers called for her and delivered her to the old man who was supposedly destined to become her husband. As a matter of fact, she remained with him only a few days, when she and her paramour stole away to parts unknown.

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Second day. January ninth, 1909

A short service was held as usual in the church, followed by another ofrenda. This was marked by disorder in dividing the food, everyone grabbing for what he considered a proper share. This was in very bad taste, according to Cayapa etiquette, and was loudly condemned by the older men. This misbehavior was prob-

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3: Barrett E-3 (1908-1909) 1925
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ably due in part to the increased drunkenness, which was apparent throughout the day, but was due more largely to the greed of several negroes present.

After this feast the floor was cleared of remnants of the meal and of the leaves used to make the table. The second feast, the boda, was then served as usual. This consisted of three courses, each served on the same plate in the case of each individual, care being used in replenishing the supply that the plates of different individuals should not be interchanged. The three courses of these mush-like foods consisted of plantain with fish, plantain with meat, and plantain with oysters. In case any individual did not eat any or all of his portion, it was taken to the next room by the host or by one of the attendants and given to one of the women of his family. The men giving the boda served the guests, while the women attended to filling the plates.

In this particular instance the whole of the previous night had been spent by the hostess and her friends in cooking and preparing the plantain mushes used in this boda. While hot they were poured into burden-baskets lined with leaves. When served they were cold and very thick.

Immediately following the feasts another refractory pair were brought to justice. In this case the man had forsaken his wife and for three months had been living with his first cousin, who had deserted her husband. Each of the culprits, therefore, was charged with the double crime of desertion of spouse and cohabitation with first cousin. These are considered great breaches of tribal law and are severely punished. As on the previous day,

J. Barrett E-5 (1908-1909) 1923
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the offenders were placed in the stocks, remonstrated with by relatives and friends, and finally whipped. In this case the man received a hundred and seventy-five lashes, or thirty-five strokes of the cat-o'-nine-tails, and in addition was required to pay a fine in money amounting to about fifteen or twenty sucres. The woman's punishment was a hundred and twenty-five lashes, or twenty-five strokes. The greater severity of the punishment in the cases of these two offenders was due to the fact that they were first cousins, which relationship prohibits marriage under any consideration.

Another example of punishment was witnessed late in the afternoon. A young man had imbibed freely and while in his cups ran amuck in two or three houses. Others endeavored to quiet him, and to hold him and prevent serious trouble, but he seemed crazed with the rum and determined to fight, until finally it became necessary for officers to take him in hand. After a struggle he was carried to the stocks and secured by one foot. He fought desperately to release himself, but finally fell asleep and after several hours awoke in a much better mood.

In this instance was shown a good example of the devotion of the Cayapa women. Throughout his drunken frenzy the young man's mother had endeavored to quiet him, and for her trouble been struck by him repeatedly. Nevertheless, as soon as he quieted down in the stocks she took up her station beside him and fanned him almost continuously during the time he slept. Such instances are very common. It is not considered a disgrace for anyone, either man or woman, to become intoxicated,

J: Barrett E-5 (1908-1909) 1925
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796 and the care of those who are sober is to see that a person
627 does no serious damage while in that state. The rum
273 used produces a cycle of symptoms, beginning with jollity and loquacity, passing through a desire to display skill, such as bending hands with an opponent, and ending with a frenzied desire to fight. It is then that the women usually take a hand and try to pacify the men. Sometimes several women are required to hold a drunken man and prevent serious trouble.

In the case of the young man above mentioned, no further punishment was inflicted. When he awoke in a fairly sober state he was taken before the chief, who lectured him on the error of his ways, and warned that if he repeated the offense he would be castigated and fined.

Third day. January tenth, 1909

796 A brief church service, preceded and followed by a procession about the plaza, was held in the forenoon as on the two previous days, and was followed by an ofrenda and a boda. Whereas on the two previous days the ofrendas had been more for the dead in general, in this case there was a feast for a person who recently had died. This fact brought out another interesting custom. After
[785] the feasting (both the ofrenda and the boda) was finished, the sub-chief took his position at one end of the hall and administered a stroke or two with the cat-o'-nine-tails to each member of the family who had given the feast, and many others presented themselves for similar castigation, but it was compulsory only with the members of the immediate family and their relatives.

3: Barrett E-5 (1908-1909)1925
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During the feasts the cat-o'-nine-tails used for the castigation, together with various articles of apparel of the deceased and certain articles given for the purpose by relatives, was suspended upon a pitigua cord over the table. These articles were later distributed among some of the guests not related to the family. 796

After these feasts and the attendant ceremonies many of the people went again to the chief's house. The same pair of culprits who received punishment the day before were again brought in, placed in the stocks, and later castigated. The woman received twenty-five strokes, or a hundred and twenty-five lashes with the cat-o'-nine-tails, while the man was given between thirty and forty strokes. The whipping of the man was due chiefly to the fact that he still refused to return to his lawful family. Even after he had been thus severely whipped by some of the officers a second time and was brought before the chief, he refused to return to his family. The chief and others argued with him and tried again to persuade him to see the error of his way, but he stoutly maintained that he would not return, and the chief finally became so vexed that he gave the culprit a couple of resounding slaps on the side of the head and remanded him to the stocks where he remained nearly the rest of the day. Toward evening he was liberated and was not further punished. It is very unusual for the chief to slap a culprit, and such an act is done only under great provocation. In the case of almost anyone else, such a slap would be highly resented and would result in a fight, but a culprit does not dare offer resistance to the chief under such circumstances. 796 627

of the case were clear, and a witness was present. It is of interest that Pablo's wife seems to have convinced everyone of her innocence in the affair and that she had been truly hoodwinked. Chapiro's reputation was of course, well known, and guilt was held to be his alone. Even though justice prevailed, Chapiro was disgruntled and left without drinking. This in itself would be sufficient to mark him as a deviant, for Basurco's observations are still very much applicable.

> . . . leur seul vice est de rendre un culte trop fréquent à Bacchus, auquel ils font des libations d'ichcala, ou eau-de-vie de canne, qu'ils fabriquent eux-mêmes . . . (Basurco 1894:406).

In marked contrast to many Cayapa men, Chapiro has always been more interested in sexual pursuits than in drinking and the married men in the area were beginning to view him as a real threat. In instances like this it is felt that the best way to remove the threat is to marry him off, forcibly, if need be. In the case of Chapiro events came to a head after he had seduced Gabriel's daughter.

The Seduction of Gabriel's daughter. Chapiro was

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The pressure lantern remained in Gabriel's house. About two weeks later when the lantern had not been returned to him, Chapiro went looking for it at night in Gabriel's house, but he couldn't find it. He kept asking for the lantern, and eventually, after two or three months, it was returned to him.

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The lack of interest on the part of the young woman, coupled with Chapiro's poor reputation, apparently led Gabriel to make it clear to Chapiro that he did not want him as a son-in-law. A year or two later, the /ún^{y}i/, Arcilio, died and Gabriel became the chief. Gabriel now began to consider Chapiro's threat to his daughter, who was now married. He ordered Lorenzo Añapa and Aurelio Añapa, two of the /ca$^{y/i}$tala/, to go up to Sapallo Grande during Christmas and to bring back a wife for Chapiro. They found a woman who was lame and not very eagerly sought after as a marriage partner, inasmuch as she could not work effectively in the monte. They brought her to Chapiro's house and presented her to him. He refused to take her, but Lorenzo said that if he did not take the girl, he would beat him. Chapiro then agreed to

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marry her. In 1960 he seemed happy with his wife, especially since she gave birth to a boy, and since his marriage he apparently has stayed close to home.

It may be that the choice of a crippled wife for Chapiro was deliberate and with malice aforethought. Chapiro's reputation, however, extended beyond the sexual sphere, and he was known to be lazy and a poor worker. Most women would have refused him as a husband anyway. What is important, however, is the fact that the solution worked, and that Chapiro was effectively removed from circulation. It should be mentioned for the record that when he was queried about Chapiro's wife, Lorenzo Añapa reported, with what appeared to the writer to be no small measure of satisfaction, "She can't work very well in the fields because of her bad leg."

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For the Cayapa, marriages are not all made in heaven, and many times legal difficulties both attend and follow a marriage. The parents of Chapiro's bride did not object to her marriage at all; however, as women are economically useful, some families that lack one or another of the parents attempt to keep the

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Averticio lied when he said that he had not asked for the use of force by the commission. Mens rea marked Averticio's actions and he was an accessory before and after the fact. By requesting the two Negroes for the commission he gave tacit approval to the use of force. If Romulo had complained to an Indian official, the latter would have been unable to deal legally with the Negroes, and he would have restricted his investigation to Averticio and Dámian. When Negroes are involved, and feelings are running high among the aggrieved Cayapa, self-help may be resorted to, as the following case demonstrates.

Perdomo fights for his sister. Perdomo lived with his wife, mother, and sister in a house up the Río Camerones. One night a commission composed of the usual two Indians and two Negroes came to the house. The two Indians spoke first. They had come to deliver Perdomo's sister to Manuel Largo of Playa Grande. Perdomo and his mother refused. [Manuel was said to be very ugly, thin, and weak.] Following this refusal, the two Negroes came in to take the girl forcibly. She began to cry whereupon Perdomo went for his machete

4:Altschuler E-5 (1959-1960) 1965
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and threatened the Negroes. One of them answered that he was willing to fight, and at this, Perdomo backed down. The commission then left with the girl. They brought her to Manuel Largo who hid with her in the house of José Mina, one of the Negro members of the commission.

Two days later Perdomo managed to gather together ten kinsmen and friends, and they all left in two canoes, taking the girl's mother along. A Negro told them where the girl was hidden, and they headed straight for José Mina' house. They argued a great deal with the two Negroes, but the commissioners claimed that everything was all right; "after all the girl was not marrying a relative." The argument waxed hotter, and finally machetes began to swing. This all took place in front of the house, while from within the house the girl could be heard crying and pleading for rescue. As the fighting began, the girl's mother began crying, telling the men not to fight, or they would kill each other. This had no effect. The Negro woman shouted that if they kept on fighting, they would all be fined. At this, tempers cooled, the fighting ceased, and the Indians returned home without the girl.

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Indians returned home without the girl. Several days later, Manuel Largo took his reluctant bride up a small nearby stream to hide, since he feared a return of the girl's family. The girl apparently entertained no such hopes anymore, and when they had gone a short distance upstream, she told Manuel to go on up ahead and wait for her as she wanted to defecate. When he was gone from view, she ran through the monte and later that day she arrived at the house of Juanito Cimarrón of Pichiyaco. Even though Juanito was not related to her, he arranged for one of his sons to return her to her home; nothing more was ever done about this incident.

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If Manuel Largo was indeed small, thin, and ugly, then Perdomo's sister would view the arrangement with something less than enthusiasm. If Manuel was indeed weak, then the family in general could join the girl in her refusal. A man who is weak certainly would not be a very good provider for the wife, and, as a man is expected to help his in-laws when needed, he would not be of much use to them. The material presented so far indicates that a woman has a great deal to say as to whether or not she will marry and/or to whom. A

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determined woman will usually have her way, and many Cayapa women are determined!

Earlier, in the case of Carmelina, we saw that the relatives of the /únʸi/ were not immune from being manhandled by a commission. In the following case we shall see an instance in which the very authority of the /únʸi/ was flouted.

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Mother removes her daughter from the bridegroom's home. Several years ago Kalía wanted to send his sister to marry a man on the Río Camerones. The mother objected, saying that the girl was much too young. They all later went as guests to a baile de casamiento, that is, a wedding feast celebrated usually a year or two after a man and woman have been living together as man and wife. The late /únʸi/, Arcilio, was asked by the prospective bridegroom's brother to deliver the girl, and this was done. The girl's mother said nothing at the time, but when she returned to the Río Camerones, she marched into the bridegroom's house and took her daughter home with her. The bridegroom's mother protested, but that was all. The elder brother

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4:Altschuler E-5 (1959-1960) 1965
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of the would-be bridegroom notified Arcilio who, in turn, sent Bardonero Cimarrón who is 'family' to the bridegroom to demand that the girl be delivered. Kalía also remonstrated with his mother. Finally, she stated that as long as the girl seemed to be pregnant, she would agree to the marriage.

Not only did the mother flout the authority of the /ún^{y}i/, it is very likely that if she had been strongly adamant, she would perhaps have been whipped, but she would have kept her daughter. The matter of marriage commissions is most intriguing. Clearly, this sort of match-making could not take place in a society in which there were strong corporate bodies, where family extensions were important. In a society as loosely structured as is the Cayapa, the marriage commissions could rove the countryside with a minimum of interference.

Widows and Widowers. Max Heiman states that widows and widowers never remarry among the Cayapa (Heiman 1931:287). My studies among the Cayapa fail completely to substantiate Heiman's statement. In point of fact, most widows and widowers remarry, the only

among the Cayapa. It is forbidden by the Church through the person of the priest, who is seldom seen. Many Cayapa maintain that divorce is not proper. At the present time, divorce is possible for both sexes, but it is much more difficult for a woman to obtain. In one instance, a woman was married to a mental defective and she left him with the full approval of the community. In the case of the crippled Julio Tapullo, his wife was not permitted a divorce even though Julio had been very miserly with her. On the other hand, a man may divorce his wife if she is barren or has too many still-births. In one case, a man beat his wife because she only gave birth to girls; he threatened either to kill her or to throw her out of the home (divorce), if the next child were a girl.

The divorce procedure is quite simple. The woman is simply told to leave! There is usually some grumbling by the woman's parents, but to my knowledge, complaints are never made to any of the officials. Julio Tapullo's case above was complicated by polygyny.

Santiagueño hires a Negro to bring his children back after his wife left him. Santiagueño Anapa's first

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wife did not like him, and after several years, she left, taking the children with her. Santiagueño was notified of the event by his brother while he was in the monte, working. He returned immediately and employed Joselino Caisero, the Negro Inspectór of the village of Camerones to bring back his children. Joselino was paid one hundred sucres for his work. He located the woman near Sapallo Grande and removed the children. The woman cried bitterly and said that she wanted to return to her husband, but Santiagueño did not want her. He claimed that she had had lovers during the months that she had been gone. She denied this, but to no avail. Santiagueño did not mind losing his wife this way, because she was a nag "bravo y siempre charlando." She was later delivered to a man from the Punta Venado section. Santiagueño soon remarried, but the second wife died, and he then remarried a third time to the ex-wife of Antonio Blanco. Antonio had divorced his wife for being barren. "People said that it was not a nice thing to do, but no one demanded that he be punished."

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Clearly the attitudes toward divorce had modified considerably, especially since Barrett's recording of the following case:

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that the brother was much too young, whereupon Margarita agreed to marry Cristobal even though he was already married. They were subsequently married by a priest. Santian, Cristobal's brother, resented this and complained to the /únʸi/, Arcilio. Margarita claimed that the charges were not true and that she had, indeed, been delivered to Santian and was living with him. Arcilio ordered Cristobal and Margarita to receive twenty lashes. The sentence was minimal because they claimed "never to have embraced." Then they were told that they would receive two hundred lashes if they made love from then on. When they returned to Viche from Punta Venado, Margarita lived with Santian for about four months; following this, Cristobal took her back. The brothers had harsh words but did not exchange blows. Cristobal's two wives appeared to live together amicably. About a year later the father of the first wife took his daughter back with him. She had been crippled for some time, and people were saying that Cristobal had bewitched her. When her father died soon afterwards, Santian accused his brother of having killed him. Cristobal's first wife confirmed this. However, Cristobal and Margarita denied the charge. When the /únʸi/ asked

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why he had delivered Margarita to his brother who was too young for marriage, he remained silent. The punishment was to be fifty lashes each, but since they kept protesting their innocence, the sentence was reduced to twenty lashes each.

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About a year after the death of Cristobal's first father-in-law, a son of the dead man named Gorce Cimarrón went to Colombia to hire a Cholo witch in an attempt to find out who had killed his father. The Cholo reported that Cristobal was the guilty one; so Gorce went to Cristobal's house and accused him of the murder, but Cristobal did not reply. Three days later Cristobal was dead. Several years later, one of Cristobal's brothers, Arcinto, heard of the affair and went looking for a witch. Gorce died a few years later, and his death was said to have been caused by the witch hired by Arcinto. Arcinto still lives in Viche where he also has two wives. He has never been punished as he never goes to the ceremonial center for fiestas.

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In the space of certainly not more than a decade the above case is found in at least one alternate versions

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Mariano takes a second wife. Mariano lived up the Río Esmeraldas and was married to the daughter of Pedrito Añapa's paternal grandfather. They had three children, two girls and one boy. Mariano went looking for another wife near San José on the Río Cayapas. He had divorced his first wife and her father was very angry over the affair. Consequently, the woman's brother went to talk to Mariano who said that he had taken divorce action because this woman did not work or cook well. He also complained that she was older than he and slightly lame. Mariano was a witch, and he told the first wife's brother that he was going to kill his father. About a year later, the old man did indeed die. Following this, the brothers of the first wife went to Santo Domingo de los Colorados and found a Colorado witch who told them that the death was caused, not by God, but by a man--namely, Mariano. For two hundred and fifty sucres the witch offered to kill Mariano. The price was paid and Mariano died about four months later. The affair ended at this point with no attempts at revenge.

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While there are differences in names and locations and in the length of time leading to the death

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of the father-in-law, the plot is the same and the kinship relations of the dramatis personae are the same. In both versions, the murdered man's son goes to seek revenge with the aid of foreign witches. The first version reports that Cristobal came up from Viche to cure Margarita, while in the second version, Mariano came up to San José. Margarita who is the wife of Alejandro of Encanto was said to have been the second wife of Cristobal and she was born near San José. While the unity and historicity of the two tales is not certain, it is reasonably sure. It is of some interest that polygyny is not a factor in the second version. In both stories, the first wife leaves the home with apparent reluctance. The second version was told to me by a member of the first wife's family and leads me to believe that the bone of contention that initiated the chain of events which culminated in murder was not polygyny but, rather, the divorce. It is of considerable interest to note that in the first version, Arcinto is said to be still living with two wives in Viche up the Río Esmeraldas and that he has never been punished. Clearly, one can avoid punishment by leaving the community at a distance sufficiently great to make the sending of a commission too expensive.

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events in the outside world of commerce and government. For example, because of Segundo's ability to speak Spanish proficiently, he served as a threat to his father-in-law. One can visualize him doing nothing more than shouting at the old man in Spanish with the result that his father-in-law would be completely terrorized. Segundo could describe the dire straits in which the old man would find himself if Segundo went to the authorities, and the old man would unquestionably believe him.

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Trivinio Cortes claimed that a man named Cristobal Sandoval of Muisne has two wives, as does Cristobal's brother. It may very well be that Cristobal Tapullo and Cristobal Sandoval are one and the same. In any event, Trivinio claims "they have both been punished but permitted to keep the second wives because who would take care of the children?" "In the old days, the man and woman were burned to death, as people were very angry. Nowadays, they do not get very angry about such things." While people do not demand that the culprits be burned, they do get upset and on occasion even non-kin will attempt to take matters into their own hands, as in the following case.

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A neighbor threatens to beat up a polygynist. Roberto Cimarrón, a brujo, had two wives. They lived a short distance above San José on the Río Cayapas. The women lived in separate houses several hundred feet apart connected by a small path. One day Roberto became intoxicated while he was curing a patient, and his first wife, who also was drunk, scolded him for having taken a second wife. Roberto had also married the second wife in the Church. He and his first wife came to blows, and Roberto eventually threw her into the river from which she was rescued by a passing Negro. Later, when sober, she went over to the second wife's house and assaulted her. In turn, after this attack the children of the second wife assailed the childless first wife. Roberto hid the second wife in the home of a Negro for about two weeks. His first wife knew what was happening and she was very angry. Eventually, Roberto moved the first wife into a small nearby rancho. The family of the first wife never complained, but the father of Romulo Añapa who was not related to any of the principles said that if Roberto did not get rid of the second wife, he himself would beat him up. Later, when inebriated, Roberto came over to the house of Romulo's

father, and they argued. Roberto claimed that he needed two wives, and, being a rich brujo, he could afford them. Furthermore, the second wife could supply him with children. Romulo's father replied that Roberto should know well what he was doing in his own heart, and after death, Jesus would punish him.

The case materials so far presented indicate that the polygynists and would-be polygynists have been wealthy and powerful dissidents. The following case of Segundo Añapa is a contrary instance that portends of major changes to come.

Poor man attempts polygyny. Julio Tapullo who lived a short distance below Sapallo Grande had a crippled left arm. His wife, María Cimarrón, deserted him for another man named Segundo Añapa. Segundo who lived near Playa Grande on the Río Cayapas was already married to Petrona Cimarrón who was not related to María. Despite the objections of his first wife, he and María lived together for over a month. A 'niece' of Petrona met Aurelio who is one of the /cé'tala/ from the Río Camerones; she met him when he was bringing in bananas for sale directly to the boat at San Antonio.

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spent the greater part of his life living and working with his uncle presumably he will inherit land from the uncle. His rights to such an inheritance, however, are still legally ambiguous, as the following reported dispute indicates.

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A conflict of the principle of inheritance by work-validation and the principle of inheritance by kinship. Some years ago when tagua was still selling well, Romulo Añapa and Trivinio "owned" some land jointly. Trivinio's mother had been the legal owner of the land originally. The manner of kinship between Romulo and Trivinio is not known. Trivinio was lazy and "never" worked the land, whereas Romulo helped Trivinio's parents. After the death of Trivinio's parents, Romulo agreed to sell all of the land for about eight hundred sucres to Marianito Añapa "who is somewhat related." Meanwhile, Trivinio sold half of the land to Santhi, his /aɲiⁿa/, 'sister's son.'

One day, a widow related to Romulo and Santhi built a small rancho on the section of land that Santhi believed was his by purchase. He threw the old woman off the land and she went crying to Romulo, who became

very angry. A meeting was called in the house of Santiaguito Ayapa, and Romulo pointed out that the land was really his as he had worked it, while Trivinio as a boy was lazy and never helped. Romulo, therefore, demanded the money that Sanchi had paid to Trivinio, plus more on the grounds that they were not family. Since Marianito had paid half of the agreed upon money to Romulo, he owned half of the land with clear title. If Sanchi wanted to keep the other half, he would have to make an additional payment to Romulo. Sanchi refused to pay any more money, and Trivinio refused to hand over the money he had received from Sanchi. Romulo and Trivinio are enemies to this day, and apparently the case never went to the chief for settlement. Sanchi continued to own the land that he had paid Trivinio for, and Marianito continued to own the land that he had bought from Romulo. In both instances, exactly half the land went to each purchaser.

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The principle of kinship, perhaps, has not been overridden by the principle of working the land, and the *de facto* inheritance was an equal division, that, in fact, seems to have been tacitly recognized by the

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except when sold to a Negro or a White. If it is seldom used, the children and grandchildren may not be certain of the ownership and of the boundaries. Both problems may be resolved fairly easily if older people with knowledge of the original land transactions can be consulted, but the presence of such people, of course, can never be guaranteed. Land that is not in active use is always in jeopardy as illustrated in the following case.

Buru Ciascrún attempts to claim land sold illegally by his father. Many years ago, the father of Buru Ciascrún sold some land that actually belonged to the father of Sumalo Alape. The purchaser was another Indian. When the real owner of the land was told of the sale he protested to the chief, who sent up a commission to get Buru's father. Buru was a child at the time. During the proceedings, his father remained silent, although he was ordered to pay back the one hundred sucres that he had received from the sale and was then fined thirty sucres which went to the chief.

Some years later when both fathers were dead, Buru tried to claim the land. He and Sumalo fought at

Punta Venado, with relatives of each man joining the fray. After order had been restored, the chief stated that the land belonged to Romulo and that Huru was too young to have known what had happened earlier. Huru wanted Romulo to pay twenty sucres damages for cutting his head in the brawl, but Romulo refused on the grounds that Huru had started the argument. He did however, buy a half bottle of rum, which they consumed together. Both Huru and Romulo are "family," but the manner of relationship is unknown.

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Boundaries of land become well known with usage and may be disputed when the land is not used intensively. In either case, disputes may occur but are more apt to require settlement by a third party, if the boundaries are not well known.

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A Negro official renders a Cayapa-type decision. After Sanchi built a house on his land, he observed one day that Perdomo had planted bananas nearby. Sanchi insisted that they had been planted on his land and, with his mother's brother, Heverico, called in Cristobal, the Negro Inspector of the village of Camerones at that time. Cristobal decided that Perdomo should keep

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Antonito forfeits his profit by fighting. About 1955, Pedro José planted some calabash trees to mark the boundary between his land and the neighboring land of Antonito Riki. One day, while working near the line, he spotted some cacao plants that had been planted on his side. He said nothing at the time, but some weeks later, during a wake given by Kalía at his daughter's death, Pedro José became drunk and inquired of the group at large, and of Antonito in particular, "Who planted the cacao?" Antonito admitted the act, and an argument began which soon developed into a general fight. Kalía stopped it after a while, stating that he did not want people to fight when he was sad over the death of his daughter. Pedro José wanted forty sucres damages for the blows to his eyes but Antonito, backed up by his mother, refused to pay and Pedro José left the wake with his daughter. Later he uprooted the cacao plants, but nothing more was ever done.

Although the uprooting of the cacao plants was an act of spite, Pedro José was justified, as the boundary was clear and well-known. Ordinarily, Antonito could have expected to profit from the labor he expended in planting the cacao, but by getting drunk,

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fighting, and then refusing to pay just damages, he effectively cancelled his proprietary interest in the cacao plants. That nothing more was ever done, indicates a feeling of ex post facto quid pro quo.

Decisions given by the /ún^{y}i/ concerning unauthorized planting often follow the decision made by the Inspectór Cristobal in the case of Sanchi vs. Marianito. Cristobal's decision was but one alternative in the Cayapa legal repetoire. It is not a very popular decision, because by the time the land has reverted to its original owner, most of its fertility is gone. This type of decision, however, seems to be applied when the claimant's title to the land is very clouded as a result of not having used it. In these instances, the decision is premonitory: it states very clearly "nota bene, work your land, or lose it." The following case decided by the /ún^{y}i/, Gabriel Añapa, illustrates this point.

Land used just for rubber tapping is jeopardized. In the early part of 1960, Ciro Añapa and his elder brother made a trip to Pichiyaco. Upon their arrival they were notified by a relative that their land had

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off with the latex. Huru claimed that the land was his, as he was the eldest son, and Segundo agreed to leave the untapped trees for Huru. But they are three brothers, and the /ún^{y}i/, to avoid further fighting, divided the land three ways among them.

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The rubber poacher keeps most of the profits. Espíritu Santo had a piece of land on which was a stand of about fifteen rubber trees. Chapiro tapped them without permission and collected about fifty pounds of rubber. He turned the rubber over to his brother, Bertram, who went to Colombia with Pablo Añapa and two Negroes, Estupinian and Manuel Caisero. Bertram sold the rubber for Chapiro. Huru Cimarrón had noticed that the trees were tapped and told people that Ciro had done the poaching. But Santiagueño, Ciro's brother, had seen Chapiro skulking in the vicinity and told people that the trees had, in truth, been tapped by Chapiro. Huru's wife, who is Espíritu's sister, became very angry with Chapiro and said that if she were a man, she would beat him up. Some time later at a party in Encanto, Espíritu approached Chapiro and asked how much he had gained by the sale. Chapiro did not argue, and

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4:Altschuler E-5 (1959-1960) 1965
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settled for thirty sucres.

Given this very low settlement [Chapiro probably made at least two hundred sucres], it would appear that the interloper can realise most of his profits from illicit rubber tapping, while the owner of the trees can only plead mea culpa for not having been there first! Nuru Cimarrón had been "outraged" by the theft of the rubber, nevertheless one wonders what he was doing in the vicinity of his brother-in-law's trees. Similarly, Santiagueño could only have seen Chapiro "skulking" if he too, had been in the vicinity of the trees. Everyone seems to have had a bit of larceny in mind.

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It is seen that in terms of land, work, and rubber, cultivation is not only a means of producing foodstuffs but of authenticating ownership as well. Thus, the individual who appropriates part of someone else's land is permitted, as a rule, to benefit from the act to the extent of his invested labor; if the purported owner accepts the appropriation without protest, that is, without indicating his own intention and desire to work the land, then the ownership of the

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returned, he found that his pigs were gone. He suspected Perdomo of having taken them, and for one year he questioned residents of the area for evidence. At last he found the Negro who had bought the pigs and he identified Perdomo as the man from whom he had bought them. Lorenzo took this evidence to the late /únʸi/, Arcilio, who returned with him and held a hearing. Perdomo was present, but said very little in his own defense as Ramón, a Negro employee of the man who had purchased the pigs, identified Perdomo as the seller. The pigs had been sold for five hundred sucres, and the /únʸi/ ordered Perdomo to pay four hundred sucres to Lorenzo, fifty sucres to the witness, Ramón, and fifty sucres as a fine to the /únʸi/, who had lost two days work to attend to this matter.

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Perdomo was not permitted to keep any of his ill-gotten gains nor, aside from the shame of being uncovered as a thief, was he penalized in any manner. As a rule, irregularities involving pigs are settled quickly. If a pig eats the produce from someone else's garden, for instance, payment is made for the produce without question. Occasionally, however, a quarrel involving pigs may become quite serious as is seen in the following

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account of a dispute that occurred about sixty years ago.

A foraging sow is killed and the owner chooses exile over revenge-murder. Gerardo's elder brother, Reninio Perdomo, had a sow that was just about ready to drop her young. She ate some plantain belonging to a neighbor who administered a severe beating to the sow. That same night the litter of piglets was born dead, and soon after, the sow died also. Reninio became highly incensed and beat up the neighbor. His anger still not assuaged, he decided to move to the coast, for otherwise he might kill the neighbor and then be imprisoned as a result. He could not tolerate the idea of imprisonment. "People now said that it was better to move out, than kill and get thrown in jail."

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The case is interesting because of the murderous passions invoked by the beating of the sow and her subsequent death--passions that were not aroused when land or rubber were involved. In addition, the case is of interest because it is the only known incident in which an individual, rather than commit murder, chose exile.